

FILED

08 APR 14 AM 9:23

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1120

DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jorge Luis GOMEZ-Fernandez,

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

That on or about April 11, 2008, within the Southern District of California, defendant Jorge Luis GOMEZ-Fernandez, did knowingly and intentionally import approximately 8.40 kilograms (18.48 pounds) of methamphetamine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.



Julia Gerard  
Special Agent  
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF  
April 2008.



U.S. MAGISTRATE JUDGE

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### PROBABLE CAUSE STATEMENT

I, Special Agent Julia Gerard, declare under penalty of perjury, the following is true and correct:

On April 11, 2008, at approximately 10:10 a.m., Jorge Luis GOMEZ-Fernandez attempted to enter the United States at the San Ysidro Port of Entry, San Diego, California. GOMEZ-Fernandez was the driver, registered owner, and sole occupant of a purple Toyota Tacoma bearing Baja California license plate AM-15-940.

CBP Officer Pagan was conducting pre-primary roving operations with his Narcotics Detector Dog (NDD) "Niko" (CF-82). Niko alerted to the vehicle GOMEZ-Fernandez was driving. CBP Officer Pagan notified CBP Officer Carraway.

CBP Officer Carraway responded and GOMEZ-Fernandez gave CBP Officer Carraway two negative Customs declarations. GOMEZ-Fernandez stated he was going shopping. GOMEZ-Fernandez stated the vehicle belonged to him. CBP Officer Carraway asked for the keys to the vehicle and GOMEZ-Fernandez presented one single key to CBP Officer Carraway. CBP Officer Carraway opened the passenger side door and noticed scratches on the screws securing the passenger fender. Further inspection resulted in the discovery of a non-factory compartment near the firewall. GOMEZ-Fernandez was removed from the vehicle and escorted to the secondary office.

The vehicle GOMEZ-Fernandez was driving would not start, so CBP Officer DeLeon and Moreno pushed the vehicle to the secondary lot. CBP Officer Carraway was able to access the compartment through the glove box. CBP Carraway removed a non

1 factory rubber tubing exposing packages hidden within the firewall. CBP Officer  
2 Carraway turned the vehicle over to CBP Officer Tarbona for processing.

3  
4 CBP Officer Tarbona discovered removed a plastic wrapped package from behind the  
5 glove box. The package was wrapped in several layers of plastic and black greasy oily  
6 film. CBP Officer Tarbona removed the plastic and found Tupperware packaging. CBP  
7 Officer Tarbona found a crystalline like substance in the Tupperware, which field tested  
8 positive for methamphetamine. CBP Tarbona removed a total of ten packages weighing  
9 approximately 8.40 kilograms. All packages were removed from the dashboard area.

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11 During a post-arrest statement, GOMEZ-Fernandez admitted knowledge of the  
12 narcotics in the vehicle. On April 11, 2008, GOMEZ-Fernandez was transported to the  
13 Metropolitan Correctional Center pending his initial appearance before a U.S.  
14 Magistrate Judge in San Diego, California.

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16 Executed on April 11, 2008, at 1700 hours

17  
18  4/11/08  
19 Julia Gerard, Special Agent  
20 U.S. Immigration & Customs  
Enforcement

21 On the basis of the facts presented in the probable cause statement consisting of ~~one~~<sup>two</sup>  
22 pages, I find probable cause to believe that the defendant(s) named in this probable  
23 cause statement committed the offense on April 11, 2008, in violation of Title 21, United  
24 States Code, Section(s) 952 & 960.

25  
26  
27   
28 United States Magistrate Judge

29  
~~4/13/08~~ 4/13/08 at 12:15 PM  
Date/Time